

BOARD:
Elizabeth M. Hagood
Chairman
Edwin H. Cooper, III
Vice Chairman
Steven G. Kisner
Secretary



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

BOARD:
Henry C. Scott
Paul C. Aughtry, III
Glenn A. McCall
Coleman F. Buckhouse, MD

**Minutes of
S.C. Board of Health and Environmental Control
Meeting**

February 9, 2006

The S.C. Board of Health and Environmental Control met on Thursday, February 9, 2006, at 10:00 a.m. in the S.C. Department of Health and Environmental Control Board Room, 2600 Bull Street, Columbia, S.C. (Attachment 0-1)

The following members were in attendance:

Elizabeth M. Hagood, Chairman
Member-at-large

Edwin H. Cooper, III, Vice-Chairman
Charleston, 1st District

Steven G. Kisner, Secretary
Aiken, 3rd District

Henry C. Scott
Allendale, 2nd District

Paul C. Aughtry
Greenville, 4th District

Glenn A. McCall
Rock Hill, 5th District

Coleman F. Buckhouse, MD
Florence, 6th District

Also in attendance were Commissioner Earl Hunter and guests. (Attachment 0-2)

Chairman Hagood stated notice of this meeting has been provided to all persons, organizations and news media, which have requested notification, as required by section 30-4-80(e) of the South Carolina Code of Laws.

Item 1: Consideration of January 12, 2006, meeting minutes - For Approval (Attachment 1-1)

Mr. Aughtry moved, seconded by Mr. McCall, to approve the minutes of the January 12, 2006, meeting. Approved

Item 2: Monthly Award for Excellence – January 2006 (Attachment 2-1)

Commissioner Hunter recognized the following:

Commissioner's Office – Horace Johnson;
Environmental Quality Control – Paula Brown;
Health Services – Sandi Hall;
Region 1 Public Health District – Dianne McCloskey;
Region 2 Public Health District – The Committee on Smoking Cessation/Debbi Acuna, Jacquelyn Fuller, Lillie Hall, Letitia Jones, Diane Newell, Beth Phillips, Kevin Poole, Page Rogers, Vicki Seay, Jackie Summers, Jennifer Zare;
Region 3 Public Health District – Ellen Cooper;
Region 4 Public Health District – Linda Christmas;
Region 5 Public Health District – Selena Perry;
Region 6 Public Health District – Myrtle Beach Health Department WIC Team/Angela Hayes, William Collins, Molly Smith, Colleen Chapman, Julie Cox, Jana Denny, Denise Thiele;
Region 7 Public Health District – Frankye Peters;
Region 8 Public Health District – Deb Trevithick;
OCRM/Charleston – Janet Kruger.

Item 3: PUBLIC HEARING AND REQUEST FOR FINAL APPROVAL – Proposed Amendment of Regulation 61-69, Classified Waters, State Register Document No. 3025, Legislative Review is Required (Attachment 3-1)

Ms. Rheta Geddings, Bureau of Water, presented the item to the Board. The Department proposes to amend R.61-69 to reclassify waters located within the boundary of the Congaree National Park to Outstanding Resource Waters (ORWs) and to reclassify a portion of Cedar Creek located within the boundary of the park to Outstanding National Resource Water (ONRW) of the State. All waters bordering the Congaree National Park, including those portions of named and unnamed waters flowing up to the boundary of the park and also the Congaree River which flows along one boundary of the park, are currently classified as Freshwaters of the State and will maintain their classification.

A public hearing was conducted. (Attachment 3-2)

Letter supporting proposed amendment to Regulation 61-69. (Attachment 3-3)

Mr. Scott moved, seconded by Dr. Buckhouse, to find for the need and reasonableness of the proposed regulation and approve it for submission to the legislature for review. Approved.

A verbatim transcript of these proceedings is included as part of the permanent record. (Attachment 3-4)

Item 4: Proposed Amendment of the South Carolina Solid Waste Management Plan

(Attachment 4-1)

Mr. Art Braswell, Bureau of Land and Waste Management, presented this item to the Board. The State Plan is a comprehensive description of all solid waste management activities in the State. Pursuant to SC Code Section 44-96-60(A)(1)(2)(3)(4) and (5), it includes an inventory of the types of solid waste generated in the State, an estimate of the disposal over a twenty-year period, an estimate of the State's current capacity to manage the solid waste currently being generated and that which is projected in the future, an evaluation of all solid waste management practices in the State, to include processing of solid waste, and an analysis of the types of solid waste facilities needed to manage the waste projected to be generated during the twenty-year planning period. Emerging advanced waste treatment technologies such as vitrification and plasma arc are not included in the State Plan, as amended in 1999. SC Code Section 44-96-290(F) states that no permit to construct or expand a solid waste management facility may be issued by the Department unless the proposed facility is consistent with the local or regional solid waste management plan and the State Solid Waste Management Plan. Mr. Braswell provided the Board with additional amendments that resulted from comments received after the package was submitted to the Board. (Attachment 4-2)

Mr. Cooper moved, seconded by Mr. Aughtry, to approved the changes to the State Solid Waste Management Plan as submitted. Approved.

Item 5: Dockominiums (Attachment 5-1)

Ms. Carolyn Boltin, Deputy Commissioner, Ocean and Coastal Resource Management, presented this item to the Board. Dockominiums are dock or marina structures and upland components held or organized under a condominium regime. As the name suggests, the primary component of the regime is the collection of boat slips assigned for private use, and other common or limited common elements (lockers, mailboxes, parking space, etc.) are minimal. Upon buying a designated condominium unit (locker, etc.), the owner is entitled under the regime to exclusive use of a specific boat slip. Dockominiums are not a new phenomenon but they are relatively new in South Carolina. The staff of the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management have noted an expansion in development or marketing of "dockominiums" in the coastal zone. (Attachment 5-2)

The Board accepted this item as information, and directed staff to seek an Attorney General's Office opinion on real property ownership issues and to research how other states handle these issues.

Item 6: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation (December 1, 2005, through December 31, 2005) (Attachment 6-1)

Mr. Dennis Gibbs, Health Regulations, stated four (4) orders had been issued with penalties of \$4,540.

After discussion, *the Board accepted this item as information.*

Item 7: Orders issued by Office of Ocean and Coastal Resource Management (December 1, 2005 through December 31, 2005) (Attachment 7-1)

Ms. Barbara Neale, Office of Ocean and Coastal Resource Management, stated four (4) orders had been issued with penalties of \$3,750.

The Board accepted this item as information.

Item 8: Administrative and Consent Orders issued by Environmental Quality Control (December 1, 2005 through December 31, 2005) (Attachment 8-1)

Mr. Jim Joy, Assistant Deputy Commission, Environmental Quality Control, stated twenty-three (23) orders had been issued with penalties of \$136,472.56.

After discussion, the Board accepted this item as information.

Item 9: Agency Affairs (Attachment 7-1)

Commissioner Hunter noted the Board had been provided with a copy of the Home Health Services FY2005 Annual Program Evaluation. Dr. Lisa Waddell recognized Ms. Pat Thomas, Home Health Services, for the staff efforts in making this an excellent evaluation. Commissioner Hunter also reported the following:

1. Legislative Audit Council -- 401 Water Certification and Coastal Programs;
2. Upcoming Pandemic Flu Summit on March 2, 2006, with the Governor's Office, DHHS, CDC & Dept. of Home Land Security.

The Board accepted this item as information.

Item 19: Legal Report

Mr. Carl Roberts updated the Board on legal matters.

Mr. Kisner moved, seconded by Mr. Aughtry, to go into Executive Session for receipt of legal advice. Approved

While in Executive Session no actions were taken.

The Board discussed the upcoming meeting schedule and decided to cancel the April 13, 2006, meeting and to hold the May 11 meeting in Rock Hill with the meeting location to be determined.

Mr. Cooper moved, seconded by Mr. Kisner, to adjourn. Approved.

All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,

Steven G. Kisner
Secretary of the Board

Minutes approved this 9th day of March 2006.

ATTEST:

Elizabeth M. Hagood
Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign-in Sheet
- 1-1 January 12, 2006, Board Meeting minutes
- 2-1 Monthly Award for Excellence for January 2006
- 3-1 Public Hearing – Proposed Amendment of R.61-69, Classified Waters
- 3-2 Sign-in Sheet
- 3-3 Public Hearing comment
- 3-4 Verbatim Transcript
- 4-1 Proposed Amendment of the South Carolina Solid Waste Management Plan
- 5-1 Dockominiums
- 5-2 Staff Presentation
- 6-1 Administrative Orders, Consent Orders and Sanctions Letters Report – Health Regulation
- 7-1 Orders issued by Office of Ocean and Coastal Resource Management
- 8-1 Administrative and Consent Orders Report - EQC
- 9-1 Home Health Services FY2005 Annual Program Evaluation